2013R00370/BLU/ADK/BAW/ms

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Kevin McNulty, U.S.D.J.
v.	:	Crim. No. 15-421(KM)
MELVIN FELIZ,	:	CONSENT JUDGMENT OF FORFEITURE (MONEY JUDGMENT) AND PRELIMINARY ORDER OF FORFEITURE AS TO SPECIFIC PROPERTY (FINAL AS TO THE DEFENDANT)
Defendant.	:	

WHEREAS, on or about August 25, 2015, defendant Melvin Feliz pleaded guilty pursuant to a plea agreement with the United States to the above-referenced Information, Count One of which charged him with wire fraud conspiracy, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349;

WHEREAS, pursuant to 18 U.S.C. § 982(a)(2)(A), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of an offense in violation of 18 U.S.C. § 1343, or a conspiracy to commit such an offense, as alleged in Count One of the Information, shall forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offense;

WHEREAS, in the plea agreement, defendant Melvin Feliz agreed to forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), (i) a sum of money equal to $7,897,143, representing the proceeds of the offense charged in Count One of the Information (the "Money Judgment"), for which the defendant is jointly and severally liable with co-conspirator Keila Ravelo; (ii) all of the defendant's right, title and interest in the property listed on Exhibit A hereto (hereinafter referred to collectively as the "Specific Property"), which the defendant admitted is forfeitable to the United States as property constituting or traceable to the wire fraud conspiracy offense charged in Count One of the Information, with the proceeds from the sale of such property to be applied to the Money Judgment, in partial satisfaction thereof;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture, including a preliminary order of forfeiture consisting of a money judgment, may become final at any time before sentencing if the defendant consents;

WHEREAS, the provisions of 21 U.S.C. § 853(n) (incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c)) require publication and notice to third parties known to have alleged an interest in forfeited specific property and the disposition of any petitions filed under 21 U.S.C. § 853(n) before the United States may have clear title to such property;

WHEREAS, defendant Melvin Feliz:

(1) Consents to the forfeiture to the United States of $7,897,143 as a sum of money representing the proceeds of the wire fraud conspiracy offense charged in the Information, to which the defendant has pleaded guilty, in the form of a criminal forfeiture money judgment to be imposed upon the defendant, pursuant to 18 U.S.C. § 982(a)(2)(A), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) (the "Money Judgment"), for which the defendant is jointly and severally liable with co-conspirator Keila Ravelo;

(2) Agrees to forfeit to the United States all of his right, title and interest in the Specific Property;

(3) Agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;

(4) Agrees to forfeit his interest in any other property, including substitute assets pursuant to 21 U.S.C. § 853(p) (as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c)) in full or partial satisfaction of the Money Judgment; understands that he remains responsible for the payment of any deficiency until the Money Judgment is paid in full; and agrees to cooperate fully with the Office in establishing a payment plan, surrendering assets, or any other action taken by the Office to satisfy the Money Judgment;

(5) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of property forfeited to satisfy the Money Judgment;

(6) Agrees that the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to 21 U.S.C. § 853(m) and Federal Rule of Criminal Procedure 32.2(b)(3);

(7) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(8) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing; and

(9) Waives any and all claims that this forfeiture constitutes an excessive fine and agrees that the forfeiture does not violate the Eighth Amendment;

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

Money Judgment

1. As a result of the defendant's conviction of the wire fraud conspiracy offense charged in the Information, pursuant to 18 U.S.C. § 982(a)(2)(A), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), a criminal forfeiture money judgment in the

amount of $7,897,143 shall be entered against the defendant (the "Money Judgment"). In the event a criminal forfeiture money judgment is imposed upon co-conspirator Keila Ravelo, Melvin Feliz and Keila Ravelo shall be jointly and severally liable for the Money Judgment.

2. The defendant having given his consent pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), upon entry of this Order of Forfeiture, this Order is final as to the defendant Melvin Feliz, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the IRS-CI Asset Forfeiture Fund, and delivered by mail to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and shall indicate the defendant's name and case number on the face of the check.

4. Pursuant to 21 U.S.C. § 853, the United States Department of the Treasury is authorized to deposit all payments on the Money Judgment in the Treasury Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the

Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

Specific Property

6. As a further result of the defendant's conviction of the wire fraud conspiracy offense charged in Count One of the Information, pursuant to 18 U.S.C. § 982(a)(2)(A), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), and based upon the plea agreement, all of the defendant's right, title and interest in the property listed on Exhibit A hereto (hereinafter referred to collectively as the "Specific Property") is hereby forfeited to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853.

7. Any forfeited money and the net proceeds derived from the sale of the forfeited property will be applied to the Money Judgment until the Money Judgment is satisfied in full.

8. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against defendant Melvin Feliz, shall be made part of the sentence of defendant Melvin Feliz, and shall be included in the judgment of conviction therewith.

9. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site www.forfeiture.gov. The United States shall also send notice of this Order to

any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. Pursuant to Fed R. Crim. P. 23.2(b)(6) and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.

11. Any person, other than the defendant, claiming interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site, or no later than 35 days from the mailing of direct notice, whichever is earlier, pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

12. Upon adjudication of all third party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

13. The Clerk of the Court is directed to enter a money judgment against the defendant in favor of the United States in the amount of $7,897,143.

14. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 25th day of August, 2015.

HONORABLE KEVIN McNULTY
United States District Judge

The undersigned hereby consent to
the entry and form of this Order:

PAUL J. FISHMAN
United States Attorney

By: BRIAN L. URBANO
ANDREW D. KOGAN
BARBARA A. WARD
Assistant United States Attorneys

Dated: 8/25/15

JASON ORLANDO, ESQ.
Attorney for Defendant Melvin Feliz

Dated: 8/25/2015

MELVIN FELIZ, Defendant

Dated: 8/25/2015

UNITED STATES v. MELVIN FELIZ

EXHIBIT A

1. Approximately $906,645.80 being held on deposit in the IRS-CI Asset Forfeiture Fund, representing the net proceeds from the sale of all those lots or parcels of land, together with their buildings, appurtenances, improvements, fixtures, attachments and easements, known as 465 Brickell Avenue, Apartments 4001 and 4002, City of Miami, County of Miami-Dade, Florida.

2. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, known as 164 Chestnut Street, Englewood Cliffs, County of Bergen, New Jersey.

3. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, known as 1740 Taylor Avenue, City of New York, County of Bronx, New York.

4. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, known as 5506 Inspiration Terrace, City of Bradenton, County of Manatee, Florida.